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Intellectual Ammunition

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Potshots

Zero-tolerance [of "drugs" and "weapons" brought to school] means zero-judgement and zero-logic. It is an excuse to not think.

REV. JESSE JACKSON

The things we're dealing with now are much more decentralized, and we should decentralize them and get rid of things in Washington that you don't have to do in Washington. I expect any day now we're going to announce a new national program to rid us of the danger of diaper rash.

SENATOR DANIEL PATRICK MOYNIHAN (D-NY)

Remember, amateurs built the ark. Professionals built the Titanic.

"Lead us not into temptation," she prayed, "but deliver us some e-mail, Amen."

Child's prayer

E-mail is in general a very useful feedback mechanism. That's because e-mail turns off the politeness gene in human beings. People are more willing to be more rude and truthful by e-mail than they ever would be in person or over the phone.

AMAZON.COM CEO JEFF BEZOS

This little fracas [over whether OSHA requirements apply to home offices] will be a more damaging blow to the idea of "government" than was ever struck by the forces of Newt Gingrich.

CHICAGO TRIBUNE COLUMNIST ERIC ZORN

The Wages of Sin: States and the Tobacco Money

by Robert J. Franciosi Ph.D.

The tobacco settlement signed between the state attorneys general and the large tobacco companies created several disturbing precedents.

It put into place a regulatory regime governed by a public/private organization—fostering the conditions for a government-protected tobacco cartel, with government receiving a share of the profits.

In some states, public officials' moral dudgeon and quest for money led them to undermine the rule of law by stripping the tobacco companies of traditional legal defenses.

The settlement provides a model for future would-be regulators or revenue seekers to prey on other sectors of the economy that have, as columnist Paul Gigot puts it, "a political limp."

Of course the greatest attention has been focused on the money. The settlement has given politicians across the nation the opportunity to spend billions of dollars without having to dun local taxpayers. Cigarette manufacturers are scheduled to disgorge nearly $90 billion to the states over the next ten years. The actual amount paid may differ, since the payments specified in the settlement are adjusted each year according to various factors such as inflation and changes in cigarette consumption.

Then there is the question of how long the payments will keep flowing. The settlement stipulates payments in perpetuity; however, the market in the United States is shrinking, and other parties—health insurers, the Indian nations, private individuals, and a handful of foreign countries—are also suing the tobacco companies for what they believe is fair compensation for damages.

It is too early to tell what the effect of all the attorneys general and their copycats may be, but it is doubtful that they will drive the tobacco industry into oblivion to join the manufacturers of whalebone corsets, top hats, and steam locomotives. There will likely always be a rump of smokers and a market to serve them. It may be that the states settle into a long and cozy symbiotic relationship with a tobacco cartel created and sheltered by the settlement. It has already allowed tobacco companies to coordinate a price increase, and the marketing restrictions it requires will help large tobacco companies preserve market share.

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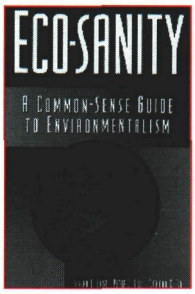

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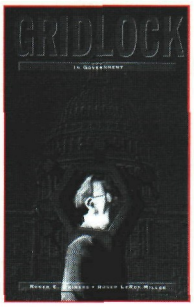

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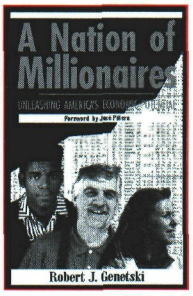

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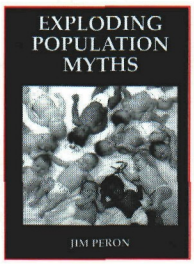

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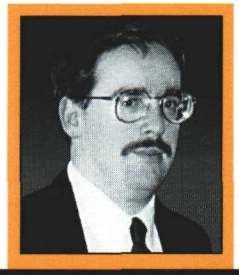

News from the Heartland

by John R. La Plante
Managing Editor

There is no such thing as a free lunch . . . and no such thing as a free road, either.

While roads are often considered, quite literally, the textbook case justifying government, even "free" roads have their costs.

In Chicagoland, everyone loves to hate the toll roads, an integral part of the transportation system of the area. It came as little surprise, then, when newly elected Governor George Ryan announced his desire to abolish the tolls. The driving public, irked by the nickel-and-diming it faces throughout the Chicago metropolitan area, is inclined to applaud. Some, thinking "the roads have already been paid for," wonder why they must continue to pay tolls.

Roads, of course, need to be maintained, and that maintenance must be paid for somehow. Transportation expert Peter Samuel, writing in *Heartland Policy Study #94* "The Illinois Tollway: An Opportunity for Reform," reports that "the current 19 cents/gallon gas tax would have to be increased by 6.4 cents if tolls were to be abolished and no other changes were made." Consider also that approximately two-thirds of the Illinois tollway system needs to be completely rebuilt, and you begin to appreciate the cost of a reliable road system.

For reasons of efficiency and equity, Samuel recommends that the toll authority raise, not lower tolls, and aggressively move to electronic tolling. In this issue of *Intellectual Ammunition*, we provide an excerpt of Samuel's study, which has drawn substantial attention from major newspapers and leading government officials.

In response to Samuel's suggestion that the tollroads be turned over to private management or even ownership, the new chairman of the tollway's board demurred, offering that privatization meant someone would make a profit. *Exactly!* Profit—along with the fact of competition—is why we expect so much of, say, UPS and FedEx, and so little of the Postal Service.

Elsewhere in this issue: While state governments across the country are awash in budget surpluses, few think of returning money to taxpayers. The settlements between major tobacco companies and many of the states will produce huge windfalls—some $90 billion over the next ten years, supposedly as compensation for the costs of providing health care for smokers.

Every interest group imaginable wants to tap into the new money pot for its pet project. Robert J. Franciosi Ph.D. argues on behalf of a prominent yet neglected figure in the debate over the money: the taxpayer. Specifically, he calls for an income tax rebate.

Other columns address the legitimacy of capital punishment, the record of the MinnesotaCare program, the recent legal record of EPA, the efforts of teacher unions to kill a merit pay plan, environmental and economic objections to free trade, and several successful efforts to reduce teenage sexual activity.

Update. In the March/April 1999 issue, Matthew Berry of the Institute for Justice described the FCC's policy of clamping down on small-scale radio broadcasters. These entrepreneurs serve segments of the market sometimes neglected by large firms. We are pleased to report that the FCC has now approved a proposal to allow community groups, churches, and schools to establish and run 1,000-watt FM radio stations. (Currently, FM stations run from 6,000 to 100,000 watts.) FCC Chairman Bill Kennard spoke approvingly of the proposal, declaring, "The airwaves can accommodate lots of voices." Well said.

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A Regressive Regime

The rhetoric bashing "big tobacco" hides the essentially regressive nature of the settlement. Smoking is more common among low-income groups. Of those with incomes less than $10,000, 31.6 percent smoke, and the average burden of cigarette taxes is 5.1 percent of income. For those with incomes over $50,000, 19.3 percent smoke, and the average burden of the cigarette tax is 0.4 percent of income.

The settlement transfers money raked in from higher cigarette prices to the states. The prospect of billions per year, ostensibly forever, has naturally pricked up the ears of special interests. There have been calls to spend the money on water projects, jails, roads, schools, and tobacco farmers.

If programs like family mentoring qualify for tobacco money simply because they may result in improved health of the public, other programs are equally if not more deserving. The list is endless.

Left behind in the spending spree are smokers, the poor dupes who—according to the attorneys general and others—chose to believe a handful of tobacco company executives about the dangers of smoking instead of their friends, relatives, neighbors, doctors, and the government. Now they are irredeemably hooked, so it is believed, yet only 11 percent of the funds allocated so far are going toward tobacco control and smoking cessation.

The majority of proposals call for spending money from the settlement on some form of health care. In some instances, this does not mean only doctors, nurses, and medicine, but a broad array of social services with a tenuous connection to health, such as parent education, family mentoring, and preschool. These programs, some of dubious value, will benefit only the specific groups who are both eligible and desire the service that the helpocracy wishes to offer. Those with other needs are out of luck.

Certain to benefit, however, are those with Masters degrees in social work or public administration who will receive steady employment from all the new programs created.

Self-Help, or Professional Helpers?

If programs like family mentoring qualify for tobacco money simply because they may result in improved health of the public, other programs are equally if not more deserving. Elementary and secondary education promote health, not just through health classes, but also through physical education and even driver education. Scholarships to universities would promote better health, since researchers have found a link between high-status jobs and health. Spending on law enforcement can improve health through tougher enforcement of speed limits and child seat and seat belt laws. Highway spending can improve health by reducing the number of traffic accidents. The list is endless.

Families have a broad list of spending needs: health care, education, food, shelter, clothing, energy, and transportation. Even if health is deemed a priority, there are myriad possible ways a family can spend money to improve the health of its members: more education, a car seat, health care, or membership at the YMCA. It is impossible for politicians to know the diverse needs of local families, or allocate money to meet them.

Give it Back

A better way would be to give the money back to families in the form of a tax cut. This would allow the people themselves—not legislators, bureaucrats, or lobbyists—to decide how to spend the money to maximize their well-being. Arizona will receive enough money to give every resident who files an individual income tax return, whose adjusted gross income is under $20,000, a $120 annual tax credit. Since many taxpayers in this income bracket will have tax liabilities less than the credit, the credit should be refundable. That is, those with no net liability after deducting the credit would receive a check for the remainder. An estimated 700,000 persons in Arizona would benefit from such a tax credit in 2000.

What about the common justification that the states need the money to pay for the cost of smoking-related illnesses? It turns out that smokers are net contributors to government coffers. They pay hefty cigarette taxes and tend to die young, before using many government benefits. The net external costs of smoking—that is, those not borne by the smokers themselves—are estimated to be 22 to 29 cents per pack in 1997 dollars. This represents the maximum amount that government at *all* levels has to bear. Yet the state of Arizona alone collects 58 cents per pack in excise taxes.

A refundable tax credit has two advantages over other proposed spending plans. First, it is just. Since smoking is more common among those with lower incomes, poor people will be paying most of the settlement through higher cigarette prices. Giving the money back to them rather than to government employees or health care and social workers is only fair.

Certain to benefit are those who will receive steady employment from all the new programs created. A better way would be to give the money back to families in the form of a tax cut.

Second, it is efficient, meaning it will provide the greatest benefit for any given expenditure.

Poor families—not legislators, nor voters, nor government employees, nor community activists, nor special interest lobbyists—are in the best position to know their particular needs. Any one-size-fits-all solution will no doubt not meet the priorities of many families. Cash through a tax credit, despite its modest size, would allow families to decide for themselves how to benefit from the money.

Robert J. Franciosi Ph.D. is senior research fellow at the Goldwater Institute. A more complete treatment of this topic may be found in a 23-page report, which may be obtained by contacting the institute at 376 East Coronado, Phoenix, AZ 85004; phone 602/256-7018; fax 602/256-7045; info@goldwaterinstitute.org; Web www.goldwaterinstitute.org.

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Crime

Morgan Reynolds

Morgan Reynolds is director of the Criminal Justice Center at the National Center for Policy Analysis.

The Death Penalty: Fair and Effective in Texas

Can there be a crime (or string of crimes) so bad the culprit deserves to die? Thirty-eight states say yes, twelve states answer no. Count me among the majority.

There are a million and one arguments leveled against capital punishment: it's barbaric, racist, unnecessary, and has no deterrent effect, to name but a few of the most common objections.

It's impossible to refute this barrage in a column, so let's look at a concrete case. His name was Larry Robison, a white male, 42 years old. Robison, an ex-carpenter, had 13 years of schooling, no prior prison record, and spent 16 years on death row. He was an attractive-looking guy. His parents had generated some sympathy for their son because he was a former mental patient. They argued that his life should be spared because he didn't receive proper psychological help.

All murders are not the same event. Executions are saved for the worst and serve obvious utilitarian ends.

Robison's behavior was extraordinary, alright. Age 24 at the time of the offense, Robison was convicted of stabbing and shooting to death a 33-year-old white man. He also killed four others during the same incident, all white, in two adjacent lake cottages, for a total of five dead. One of the victims, allegedly Robison's homosexual lover, was decapitated and sexually mutilated. Robison fled the scene in a victim's car to Wichita, Kansas after the mass murder.

Court after court found Robison competent to stand trial. He had legal representation for 16 years. A Fort Worth court deemed him competent to suffer his fate as late as last November. He knew the consequences of what he had done, knew that it was wrong, and understood the legal process and his punishment. So what's the problem?

Laws in Texas

One out of every three executions in the U.S. occurs in Texas, by far the leading state for executions, with 37 lethal injections last year and another 13 scheduled through early May this year. As a result, Texas has the system down pat, and has passed scrutiny upon scrutiny, both within the state and outside. I can defend the practice in Texas, but probably not in Illinois, where Governor George Ryan has suspended executions while investigating how 13 men were wrongly sentenced to die.

Seven types of murder can qualify as capital crimes in Texas: murder of a child under six years of age; murder of a public safety officer, firefighter, or correctional officer; murder for hire; murder during the commission of specified felonies such as robbery; murders committed during prison escapes; murder by a prisoner serving a life sentence for any of five offenses; and multiple murders.

Societies unwilling to execute their worst criminals expose the low value they place on the lives of victims.

All murders are not the same event. Executions are saved for the worst and serve obvious utilitarian ends. Marginal deterrence—signaling—is necessary to discourage marginal harm. Robbers, for example, must be encouraged to leave victims and witnesses alive. Murderers must have an incentive to stop at one life snuffed. Guards need protection from "lifers," and everybody does from prison escapees. We're kidding ourselves if we believe that a life sentence means total isolation from society. Only death offers such separation.

Some acts are bad enough to deserve the death penalty as impartial retribution, pure and simple. Remember Jeffrey Dahmer, that butcher of boys and young men in Milwaukee? No death penalty in Wisconsin, so he got a life sentence from the court. But his fellow inmates gave him a death sentence, killing him in prison. So who was more just, the state or the inmates? I'd say the inmates got it right, even if they took the law into their own hands. Local sentiment varies, but government must take such opinion into account—if too many criminals walk or the system is too soft, people will do the job on criminals that government won't.

Does the death penalty deter? In Texas, the murder rate has fallen over 60 percent since the state started using the death penalty seriously for selected crimes in the 1990s, while the national murder rate fell 33 percent.

Coincidence? Maybe. But the spirit and practice of orderly retribution is a mark of civilization. Societies unwilling to execute their worst criminals expose the low value they place on the lives of victims.

FOR MORE INFORMATION...

What Do Murderers Deserve? David Gelernter reflects on the legitimacy of capital punishment in light of the execution of Karla Faye Tucker. (*Commentary* magazine, April 1999, 4pp.)

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Education

George Clowes

George Clowes is managing editor of *School Reform News*, a monthly newspaper published by The Heartland Institute.

Small Is Beautiful

While public school officials support the idea that "smaller is better" when it is applied to reducing class sizes, the concept meets a much cooler reception when it's applied to reducing the size of school districts.

In a new study from the Alexis de Tocqueville Institution, Mike Antonucci makes a compelling case for breaking up large school districts, which generally devote a smaller portion of their resources to student instruction than smaller districts.

Indeed, even though U.S. Education Secretary Richard Riley recently voiced his criticism of "high schools the size of shopping malls," smaller schools aren't likely to be created unless large school districts are actually broken up. A 1990 Clemson University study concluded that "school district size is the most significant factor in determining school size, with consolidation/reorganization plans generally resulting in larger schools. . . ."

> *There now are 24 districts with enrollments that exceed 100,000 students. The percentage spent on teachers, books, and teaching materials goes down as district size goes up.*

Driven by the belief that economies of scale would make the delivery of education more efficient in larger districts, the consolidation of more than 130,000 small school districts was one of the most dramatic changes to the structure of public education during the last century. In 1928, there were 150,000 school districts in the United States. By 1937, there were 119,001. By 1970, the number had plummeted to 17,995, reaching 14,841 by 1996. There now are 24 districts with enrollments that exceed 100,000 students.

If economies of scale were in effect—with fixed costs being spread over a larger operation—then one would expect that a school district's spending on instruction would increase as a share of total spending as the size of the district increased. But Antonucci's research finds just the opposite to be the case.

According to Antonucci, the American public school system suffers from "penalties of scale." Instead of making up a larger percentage of the budget as school district size increases, the percentage spent on teachers, books, and teaching materials goes *down*.

"Paradoxically, the larger a school district gets, the more resources it devotes to secondary or even non-essential activities," says Antonucci in his report, "Mission Creep: How Large School Districts Lose Sight of the Objective—Student Learning."

For example, the average U.S. school district spends 61.7 percent of its budget on instruction—teachers, books, and teaching materials. But many of the nation's largest school districts spend less on instruction, rather than more, than the U.S. average. Florida's Broward County spends 55.7 percent of its education budget on instruction; Maryland's Baltimore County spends 55.3 percent; and Florida's Orange County spends barely half—only 52.2 percent—on student instruction.

When Antonucci examined the proportion of district employees devoted to teaching, the picture looked no better. For the average U.S. school district, only slightly more than half of the employees, 52 percent, are teachers. But in Philadelphia only 48 percent are classroom teachers. In Detroit, there are three non-teaching employees for every two classroom teachers.

In stark contrast, Rhode Island—with an average school district enrollment of only 9,222 students—spends two-thirds of its education budget on instruction. Over 63 percent of its education employees are classroom teachers.

This diversion of resources in large districts away from the primary instructional mission is likely to shortchange minority students most, notes Antonucci, since enrollment in the nation's largest school districts is dominated by ethnic and racial minorities. He recommends breaking up these large districts if they prove incapable of using their resources more efficiently.

Smaller Schools

Writing in the January/February issue of *The American Enterprise*, Philip Langdon provides anecdotal evidence as well as secondary material to illustrate the benefits of smaller schools.

Smaller schools, for example, tend to encourage positive social interactions, both between students and between students and teachers. By contrast, he notes, education researchers Jean Stockard and Maralee Mayberry report that "Behavior problems are so much greater in larger schools that any possible virtue of larger size is canceled out by the difficulties of maintaining an orderly learning environment."

In addition, teachers in smaller schools can more readily work together, comparing notes on what works for a given student, what doesn't, and who is causing trouble. The result? "[S]mall-schools," writes Langdon, "have overwhelmingly been found to generate better outcomes among students."

Better academic outcomes, fewer behavior problems, more money devoted to instruction—smaller schools and school districts illustrate the fact that small can indeed be beautiful.

FOR MORE INFORMATION...

Mission Creep: How Large School Districts Lose Sight of the Objective. Read Antonucci's report for more details. (Alexis de Tocqueville Institution, November 1999, 7pp.)

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Environment

Jonathan H. Adler

Jonathan H. Adler is senior director of environmental policy at the Competitive Enterprise Institute in Washington, DC.

Is EPA Out of Control?

In March 1999, the U.S. Court of Appeals for the District of Columbia Circuit struck down the Environmental Protection Agency's new air quality standards. Codified just 22 months earlier, the EPA rules would have significantly tightened national ambient air quality standards (NAAQS) for ozone (smog) and fine particulates (soot).

The court found that EPA ignored reliable scientific evidence suggesting that tightening the ozone standard could harm public health. The court also ruled that since the agency's interpretation of the Clean Air Act provided no "intelligible principle"to justify its actions, the interpretation was unconstitutional.

EPA Administrator Carol Browner was outraged by the decision, calling it "one of the most bizarre and extreme decisions ever rendered in the annals of environmental jurisprudence." Other environmentalists called it "illogical," "extreme," and "ludicrous." Critics characterized the ruling as an aberrational example of conservative judges barring the implementation of much-needed environmental protections.

A Record of Failure

There is nothing exceptional about a federal court striking down EPA regulations. Despite judicial doctrines that counsel extreme deference to regulatory agencies, various courts have thrown out several EPA rules and regulations.

Since 1993, federal courts have struck down EPA rules requiring the sale of electric cars in eastern states and minimum ethanol content in reformulated gasoline. Courts have also remanded for reconsideration EPA decisions not to impose more stringent air pollution regulations; rejected an EPA study linking cancer to secondhand smoke; and invalidated some of the agency's more aggressive enforcement policies.

According to a forthcoming study to be published by the Reason Public Policy Institute, EPA's record in court stands in sharp contrast with that of most federal agencies. Most federal agencies win most legal challenges most of the time. But under Carol Browner's watch, EPA has lost all or substantial parts of 53 percent of the court challenges to its rules. It won outright only one-third of the time.

Several of EPA's losses raise questions about the rigorousness of the agency's policy evaluation and development, as well as the propriety of the current administration's priorities and policies. A few examples:

Oxygenated Fuels. EPA sought to help corn farmers by mandating the use of ethanol in oxygenated fuels—even though independent analyses suggested that, if anything, the mandate would reduce air quality. As the court noted in striking down the rule, "EPA admits that the [ethanol rule] will not give additional emission reductions for VOCs or toxics . . . and has even conceded that the use of ethanol might possibly make air quality worse."

MDI. EPA sought to list methylene diphenyl diisocynate (MDI) as a hazardous air pollutant. In its analysis, the agency insisted upon treating MDI as a gas even at ambient temperatures, at which MDI is actually a solid and therefore *cannot* be released as an air emission. The court noted that EPA's approach "bespeaks a 'let them eat cake' attitude that ill-becomes an administrative agency whose obligation to the public it serves is discharged only if it avoids being arbitrary and capricious."

Secondhand Smoke. In 1989, the EPA characterized secondhand smoke as a "known cause of cancer," and *then* began a formal evaluation of the scientific evidence concerning secondhand smoke. A court found this unacceptable, noting that "EPA publicly committed to a conclusion before research had begun." Moreover, "EPA disregarded significant epidemiologic information; deviated from its Risk Assessment Guideline; failed to disclose important findings and reasoning; and left significant questions without answers."

> *EPA's losses in court raise questions about the rigorousness of the agency's policy evaluation and development, as well as the propriety of the current administration's priorities and policies.*

Justified Criticism

Regulatory analysts frequently single out EPA for criticism, citing the high costs and minimal benefits of EPA rules. The agency's record in federal court suggests that many of these criticisms are justified.

Whatever the nature and extent of its statutory mandate, EPA must administer its responsibility in a faithful and accountable manner. This means adhering to the priorities, and limits, established by Congress, and making clear to the public the bases upon which it acts.

It has been EPA's consistent failure to do these things over the past several years, if not longer, that has led to its disappointing record in the courts. Ultimately, if EPA is unhappy with the way in which its rules are handled by the courts, it has no one to blame but itself.

FOR MORE INFORMATION...

EPA's New Air Quality Rules Will Worsen Smog. Something that sounds good may actually make things worse. (Competitive Enterprise Institute, November 1999, 2pp.)

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Health Care

Twila Brase, RN, PHN

Public health nurse Twila Brase is president of Citizens' Council on Health Care.

MinnesotaCare Falls Short

State legislators who seek to promote health insurance coverage for the uninsured and underinsured can learn what *not* to do from Minnesota's costly experiment with the MinnesotaCare provider tax.

In 1991, the Minnesota Health Care Access Commission—a special advisory group that included 87 local and national consultants—recommended a comprehensive package of health care reform initiatives and a means to fund them. The Commission offered three main proposals: the creation of statewide managed care networks; a transition away from employer-based health insurance to a publicly funded health care system to insure all Minnesotans; and a tax on health care services to fund the initiatives.

MinnesotaCare has resulted in no decrease in the uninsured population rate, but there has been the creation of a slush fund for various state department projects and managed care initiatives.

The resulting MinnesotaCare legislation of 1992—promoted to the public as a new insurance program for the uninsured—also enacted a provider tax and initiated the mass consolidation of Minnesota's health care market. In 1993, the health care provider tax was levied on hospitals. By 1995, the tax was extended to all health care professionals, including wholesale drug distributors and surgical centers. Minnesota thus became one of only eight states to levy a tax on health care services and supplies.

The legislation specifically forbade itemization of the tax on patient bills. It also required a payment by all hospitals and health care providers caring for Minnesota patients in neighboring states. These two mandates resulted in four lawsuits filed against the state. Those suits were successful: the provider tax can now be disclosed for consumers to see, and providers outside the state of Minnesota are not required to pay the tax.

Critical to the passage of the provider tax was a "pass-through" provision. During the legislative debate, legislators had emphasized that the cost of the tax was to be passed through to third-party payers, including HMOs, indemnity insurers, and self-insured corporations. Doctors and patients were not supposed to bear the burden of the tax. To be broad-based, the tax was to be imposed on all health insurance policyholders through their insurers.

Legislators were also assured that the subsidy program would not only insure more people, but would save money in the process. With the creation of a new subsidy for health insurance, the number of uninsured would drop, allowing health care providers who served the uninsured to be paid for their services. Thus, the tax was expected to lower the cost of uncompensated care.

Another Story

The tax on health care services, however, has not decreased the cost of health care for the state or providers. Between 1993 and 1998, providers contributed $622.2 million to the Health Care Access Fund (HCAF)—208 percent more than all program appropriations ($298.8 million) and two and one-half times the amount paid for patient services ($250.6 million).

In addition, the two state departments responsible for enforcing compliance with the pass-through provision report they have received no funding to do so, and they have virtually no evidence that insurers have complied with the provision. Third-party payers are required only to send a simple statement, usually one sentence, to the department overseeing compliance with the law. These statements are then kept on record with the state Health and Commerce Departments, which have regulatory authority over insurers.

The omission of funding for enforcement is surprising given the long-standing surplus of funds in the HCAF (currently $275 million) and the historical importance of the pass-through provision—without it legislators would not have enacted the tax. That there have been no appropriations for enforcement of this provision stands in contrast to the legislature's diversion of $276.3 million into other programs and initiatives unrelated to the subsidy program, including nearly $70 million for the restructuring of Minnesota's health care system into managed care networks.

Contrary to public perceptions and expectations, the tax has increased the cost of health care and created a financial burden for the sick and those who care for them. There has been no decrease in the uninsured population rate, but there has been the creation of a slush fund for various state department projects and managed care initiatives. State legislators around the country might want to consider these findings carefully before following Minnesota's example.

For More Information...

The Impact of the MinnesotaCare Provider Tax. The executive summary of this report provides more detailed recommendations and analysis. (Citizens' Council on Health Care, February 2000, 6pp.)

PFax: Call 312/377-3000 Request document **#3276305**

Web: http://www.heartland.org /pdf/32763e.pdf

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Law

Matthew Berry

Matthew Berry is an attorney at the Washington, DC-based Institute for Justice.

Teachers vs. Unions

In a development perfect for the syndicated column "News of the Weird," a Florida teacher union has gone to court to prevent its own members from receiving bonuses that amount to thousands of dollars.

The Pinellas Classroom Teachers Association (PCTA) is mounting a lawsuit challenging Florida's new school recognition program, which rewards successful schools with additional funds—money that could provide teachers with bonuses for a job well done.

The National Education Association, the PCTA's parent union, has long opposed merit pay for teachers. Nevertheless, the spectacle of a union spending membership dues on a lawsuit to keep money out of its members' pockets should raise an eyebrow or two. It demonstrates once again that the primary interest of teacher unions is not the welfare of children or even that of individual teachers, but rather, the union and its leadership.

As part of Governor Jeb Bush's comprehensive A+ education reform plan, each Florida public school is evaluated on a scale of "A" through "F," with grades primarily determined by student performance on standardized achievement tests.

While low-performing schools are given technical and financial assistance to implement plans for improvement, schools receiving an "A" grade or demonstrating substantial improvement in student performance are rewarded with additional state funds. This money may then be used to provide teachers and other staff members with bonuses or to purchase educational equipment or materials for the school. Each school's staff and advisory council decides how to spend the money.

The program's incentive structure is obvious and commonplace throughout the private sector. In most professions, success is rewarded, and failure is not. Incentives for success, however, are quite rare in public education today, due largely to the power of teacher unions.

This year, Florida provided almost $28 million in performance bonuses to 323 high-performing schools. One of these schools, Garrison-Jones Elementary School in Palm Harbor, received $73,458 because of its "A" rating. The school's staff and advisory council decided to use the money to wire three buildings for the Internet, buy 22 new computers, give each teacher an allowance for classroom materials, and provide $300 bonuses to teachers as well as $100 to other staff members.

Collective Bargaining, or Merit?

Even though the teachers at Garrison-Jones voted to give themselves these bonuses, the leadership of the union that supposedly represents them was quite unhappy with the decision. Union leadership was so upset, in fact, that it quickly filed a lawsuit in Pinellas County Circuit Court seeking to block the payments on the grounds that they violated the right of public employees to bargain collectively. The union specifically complained that the $300 bonus payments were not authorized by the current contract.

While successful teachers, like those at Garrison-Jones, obviously like the idea of merit pay, union leaders do not favor it for a simple reason: it reduces their power.

Under a system where compensation is determined by performance, teachers are able to earn raises due to their individual initiative and abilities rather than solely depending on the contracts negotiated for them by their union's leadership. Although the end result rewards good teachers and provides incentives for improved education, it is bad for those unions seeking to maintain control over their membership and the public education system as a whole.

Incentives for success are quite rare in public education today, due largely to the power of teacher unions. According to the union's philosophy, no one should receive a raise unless everyone receives a raise.

Merit pay also undermines the union's basic philosophy that teachers should think of themselves only as members of a larger group and not as individuals, some more talented and hard-working than others. According to the union's philosophy, no one should receive a raise unless everyone receives a raise. As PCTA Executive Director Jade Moore said while explaining why the union had decided to sue, "All of our employees are working harder than ever. They all need and deserve more money."

Thankfully, a judge last month rejected the union's bid for a preliminary injunction to stop the bonus payments to the teachers at Garrison-Jones. The PCTA, however, is continuing to litigate the case in the hopes of preventing future bonus payments to teachers.

For the sake of the teachers and children of Florida, let's hope that the courts reject the union leadership's rather distasteful bid to preserve its own power at the expense of its membership.

FOR MORE INFORMATION...

Cumulative and Residual Effects of Teachers on Future Student Academic Achievement. Just how important is a teacher for a student's academic future? (University of Tennessee, 1996, 14pp.)

PFax: Call 312/377-3000
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The conference is hosted by The Heartland Institute, a 15-year-old nonprofit research organization based in Chicago, and cosponsored by The Heritage Foundation, The Henry Hazlitt Foundation, and PERC (Political Economy Research Center). Presentations will be videotaped and an on-line program will be available at http://www.sprawlconference.org.

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Privatization

Adrian Moore and Geoffry Segal

Adrian Moore is director of privatization and government reform and Geoffry Segal is a policy analyst at the Reason Public Policy Institute.

Saving the Market for Trash

A number of state governors and their allies in Congress want to hamstring one of the last two decades' great privatization success stories: private landfills.

Remember the "garbage crisis" of the early 1980s, when a hapless garbage barge steamed up and down the east coast looking for a place to dump its load of trash? "We're running out of landfills" was the cry. But of course, we did not run out of landfills—thanks to the private sector.

If advocates of "flow control" succeed, the sure results will be less competition, higher prices for almost everyone, and probably more, smaller, landfills—maybe one near you.

The Resource Conservation and Recovery Act (RCRA) of 1976 included stringent new requirements that made it more expensive to operate and develop landfills. These rules led to the closure of thousands of small, inefficient government landfills. Combined with the NIMBY problem—which makes opening new landfills politically difficult—the rules led to the sudden squeeze on available landfill space.

Private firms soon began to open new landfills. In doing so, they turned trash into a market commodity, and solved an environmental problem.

Today, private firms own 38 percent of the nation's landfills. They operate another 10 percent for government owners. Private landfills are often large "megafills" serving a regional and even interstate market, keeping costs down through economies of scale and competition-induced efficiencies.

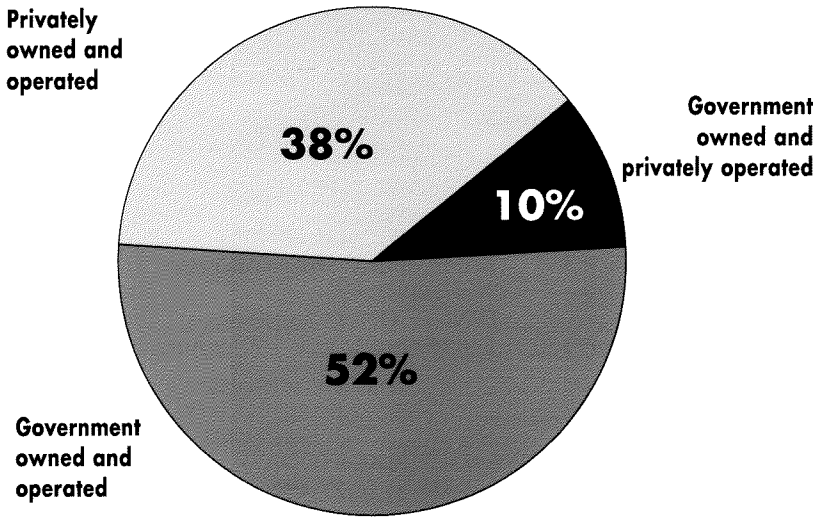
That accomplishment was threatened in the 1980s by "flow control," a requirement that all trash in a jurisdiction go to the government's facilities. However, in 1994 the Supreme Court's *Carbone* decision held that trash is a commodity, rejecting flow control as an interference with interstate commerce.

Since then, several governors from trash-importing states have lobbied Congress to allow states to implement flow control. They claim their states' images and tourism industries are hurt by private landfills that accept trash from other states. Little did we know that Florida—home of sunshine and theme parks—is a tourist magnet because it doesn't import trash.

Advocates of flow control ignore the vast regulatory powers that government officials already have to control any negative "externalities" of private landfills. Instead, they want the power to interfere with what clearly is interstate commerce in trash.

If the advocates of flow control succeed, the sure results will be less competition, higher prices for almost everyone, and probably more, smaller, landfills—maybe one near you.

Landfill Operation and Ownership



Source: Reason Public Policy Institute

For More Information...

Time to Trash Government Intervention in Garbage Service. Is garbage collection a "natural monopoly" requiring government provision? (Cato Institute, January 1999, 27pp.)

PFax: Call 312/377-3000 Request documents **#2377429** and **#2377430.**

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Regulation

Murray Weidenbaum

Murray Weidenbaum is chairman of the Center for the Study of American Business.

The New Effort to Regulate the Global Economy

A strange alliance of radical groups and environmental organizations has launched an effort to establish a new array of government regulation under the guise of taming the runaway global corporation.

The outfits from the far left are long-term opponents of the free market system, so their opposition to private enterprise and trade between nations is not new. What is new is that Greenpeace, the Sierra Club, and Friends of the Earth have joined forces with these fringe groups. The resultant rhetoric deserves a response, especially since it is being circulated via expensive full-page advertisements in major national media.

Let us take up their major arguments and answer them:

> *If the activists' policy agenda of anti-business regulation were adopted, the nations of the world would suffer. Without free markets, they will remain poor—and dirty.*

We are on the brink of a global environmental collapse.

If that's true, it would set the stage for even tougher regulation than we now have. The charge, however, is unsupported hysteria. Even the Environmental Protection Agency reports regularly on the substantial improvements that have been achieved in the quality of the air we breathe and the water we drink.

Millions . . . have protested against the invasion and promotion of genetically engineered foods, which are destroying local livelihoods and threatening public health.

It is true that millions of people have been scared—needlessly—by Greenpeace and others who make similar claims. Of course, there is no evidence of any public health threat from genetically engineered foods. Moreover, such applications of advanced technology to agriculture are the most effective way of increasing the world's food supply and simultaneously reducing the use of pesticides and insecticides.

Anyway, industrial food is less healthy; heavy with chemicals that pollute soil and water and cause public health problems.

Along with "frankenfoods," apparently we now also have "industrial foods." We can only guess what "industrial foods" are—if not food grown in factories, perhaps it is food sold by large enterprises. Of course, the chemicals are still in use, whatever the size of the producer, because of the widespread opposition of the same groups to the more benign substitution of genetic modification.

Any nation's people are most secure when they can produce their own food.

A stronger version of this statement could be found on placards in Seattle that read "Food is for people, not for export." History surely does not demonstrate that a country is secure, much less "most secure," when it has attained agricultural autarchy (totally eliminating dependence on food imports). Rather, the success of its economy—which would be weakened by an attempt to produce all of its own food—is a far more positive determinant of a country's independence. Furthermore, if the United States prohibited the export of food, millions of people around the globe would go hungry—while many U.S. farmers would go broke.

Every country loses while global corporations win.

In reality, business enterprises that operate in the international economy typically are the main source of economic development and new technology in the poorer nations in which they invest. At home, these enterprises pay well above average wages and benefits.

The goal of the global economy is that all countries should be homogenized.

One of the recent anti-trade ads states, "a few decades ago, it was still possible to leave home and go somewhere else: the landscape was different, the language, lifestyle, dress, and values were different."

Of course, there is no truth to the charge that homogenization is the goal of anybody involved in the global marketplace. On the contrary, corporations love to focus on those differences that provide niches in their efforts to achieve product differentiation. Every business that has operated successfully in more than one country has learned that people's preferences are not uniform. Even McDonalds, which has perfected the standard of standardization, adapts its menu to local tastes.

If the activists' policy agenda of anti-business regulation were adopted, the nations of the world would lose the benefits of the specialization of labor and thus suffer severe declines in standards of living. Wealthier countries can afford to devote more resources to achieving a cleaner environment, and they do so. Poorer countries do far less to clean up the environment. Without free markets, they will remain poor—and dirty.

FOR MORE INFORMATION...

Economic Growth and Free Trade Are Not Dirty Words. Wealthy is healthy—here's why. (Fraser Forum, June 1997, 2pp.)

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Web: http://www.heartland.org/pdf/19801x.pdf

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Taxes

Bill Ahern

Bill Ahern is communications director for the Tax Foundation.

Top-Earning 1 Percent Pay One-Third of Income Taxes

According to the latest preliminary data from the Internal Revenue Service, 1 percent of all taxpayers paid more than one-third of the total federal income taxes collected during 1997 (the latest year available).

That year, the top-earning 1 percent of U.S. taxpayers—those with an income over $250,736—earned 17.4 percent of the income earned for that year. Thanks to the nature of the federal income tax, this group of roughly 1.2 million taxpayers paid not 17.4 percent, but 33.2 percent of the total federal income taxes collected.

The fraction of the tax burden shouldered by this group is up from 32.3 percent for the tax year 1996, and 24.8 percent for the tax year 1987.

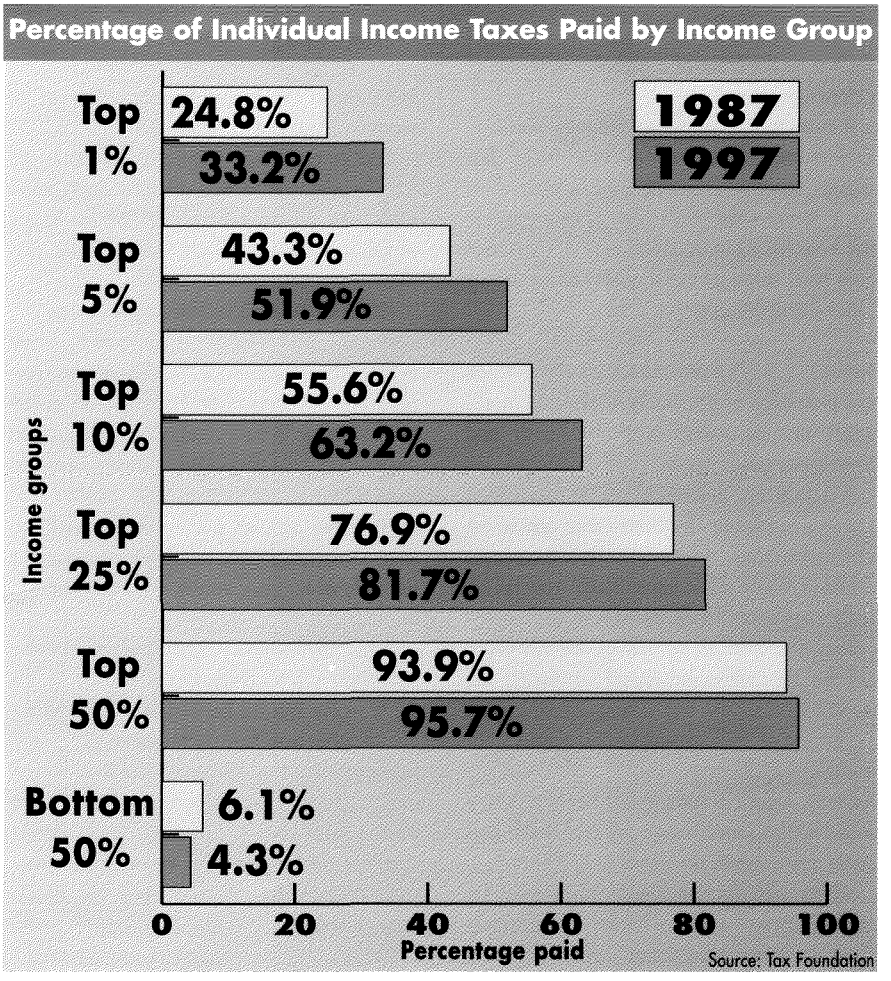
Contrasting income shares (measured by adjusted gross income) with tax shares for different groups demonstrates the progressivity of the federal income tax system. While high-income earners earn a large share of the nation's total income, they pay an even greater share of the total federal income tax burden.

At the other end of the spectrum, the bottom half of the nation's taxpayers earned 13.8 percent of all income in 1997, but—again, due to the nature of the tax system, which imposes a proportionately larger burden as one's income increases, but a smaller share of the burden at lower levels—this group paid only 4.3 percent of personal federal income taxes paid.

As economist Patrick Fleenor observed, "Americans at the upper end of the income scale continue to bear an increasing share of the total federal income tax burden. Continued strong economic growth and a progressive tax system inevitably result in a steady shifting of the tax burden up the income scale."

It wasn't only the top 1 percent that have seen an increased tax burden, however. The top 5 percent of income earners (those with an adjusted gross income of over $128,048), as well as the top 10 percent ($79,212), both pay a significantly greater proportion than they did a decade ago. In 1987, it took the top 10 percent of all taxpayers to pay approximately half of all federal income tax collections. A decade—or two presidential and five congressional elections later—it took only 5 percent of all taxpayers to carry half the load.

Dividing all tax returns in half by adjusted gross income (AGI), the vast majority of 1997's federal income tax burden, or 95.7 percent, was borne by the top half—individuals with AGIs over $24,393. In 1987, they paid 93.9 percent.



FOR MORE INFORMATION...

Should Congress Mandate a Supermajority Vote for All Tax Increases? Representatives Joe Barton and David Skaggs square off over the question. (*Insight* magazine, May 1998, 4pp.)

PFax: Call 312/377-3000 Request document #8036126

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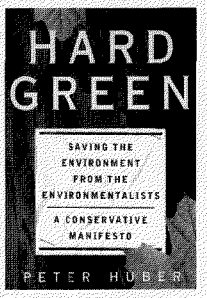

Author to speak in Chicago
Thursday - February 17
On February 17 (5:00 - 7:30 p.m.), Heartland will host a cocktail reception forManhattan Institute fellow and Forbes columnist Peter Huber, who will be in Chicago to promote his new book, Hard Green: Saving the Environment from the Environmentalists. Hors d'oeuvres will be served and a cash bar will be open throughout the evening. Registration is $20 in advance or at the door. 65 West Jackson Boulevard, Room 700.

What's New

New documents on Microsoft, broadband access to the Internet, development impact fees, and global warming

School Reform News

School Choice Debate Is Over, Says Norquist
A new poll shows strong support for vouchers in Milwaukee, even among those not permitted to take advantage of the city's choice program. In other news, a new Heritage Foundation study calls for an end to federal school-to-work programs, and stories c ter schools and academic achievement in sub schools. The issue's featured interview is with renowned eco Eric Hanushek, the country's leading expert on the relationsl tween school spending and student achievement.

Environment & Climate News

Feds protected ecoterrorists, repo
A House Resources Committee task fo turbing picture of ecoterrorist aiding an top Clinton-Gore administration official former Forest Service Chief Jack War "Hardcore environmentalists have lea top' to get what they want--and the want most of the time." Also in this issue: the Seattle W biotech, mining, climate change, and more. E&CN's list of the mo features contact information for environment journalists at the 72 largest-circulation newspapers in the U.S. and Canada. An exclusive interview with economist Walter E. Williams rounds out the issue.

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Welfare

Robert Rector & David Muhlhausen

Robert Rector is a policy analyst and David Muhlhausen is a research assistant at The Heritage Foundation.

Abstinence Education Works

Last year nearly one of three children in the U.S. were born out-of-wedlock; one child was born out-of-wedlock every 25 seconds.

Such illegitimacy is the principal cause of child poverty and welfare dependence. Children born and raised without fathers are at far greater risk of being involved in crime, suffering emotional and behavioral problems, and failing in school.

Abstinence programs can play a critical role in reducing out-of-wedlock child-bearing by reducing early and promiscuous sexual activity, fostering greater levels of self-control among young people, and promoting positive attitudes toward marriage.

True abstinence education programs have been relatively rare in the U.S. until recent years, and evaluations of such programs are few. However, those evaluations that do exist show that abstinence education is highly effective in reducing sexual activity among young people. The following are the results of five separate evaluations of abstinence programs.

Best Friends

Best Friends is a youth development and abstinence program for girls in grades 6 through 12. It has operated in various public schools in Washington, DC for more than nine years. Nearly all the girls in the program are African-American.

Best Friends is dramatically successful in reducing the rate of sexual activity. Among Best Friends girls, only 10 percent are sexually active; by contrast, some 65 percent of girls of comparable age in the District of Columbia are sexually active. Thus, the level of sexual activity among minority girls in Best Friends is some 80 percent lower than the level among comparable girls in the same community who do not have the opportunity to participate in the program!

Virginity Pledge Programs

A recent article by Dr. Michael Resnick, et al., in *The Journal of the American Medical Association*, titled "Protecting Adolescents from Harm: Findings from the National Longitudinal Study on Adolescent Health," showed that abstinence pledge programs were dramatically effective in reducing sexual activity among teenagers in grades 7 through 12.

The study found that participating in an abstinence program and taking a formal pledge of virginity was, by far, the most significant factor in delaying early sexual activity. The study compared students who had taken a formal pledge of virginity with students who had not taken a pledge but were otherwise identical in terms of race, income, school performance, degree of religiousness, and other social and demographic factors. The authors discovered that the level of sexual activity among students who had taken a formal pledge of virginity was one-fourth the level of comparable students who had not taken a pledge.

Sex Respect

The Sex Respect abstinence program was developed in Illinois in the 1980s. Analysis of follow-up data on 6,000 program and non-program students showed that the program was quite successful in delaying the onset of sexual activity, particularly among girls who were not yet sexually active. Thirteen-year-old virgin girls who participated in the program were 50 percent less likely to initiate sexual activity one and two years after the program than were similar girls who did not participate.

Illegitimacy is the principal cause of child poverty and welfare dependence. Abstinence programs can play a critical role in reducing out-of-wedlock child-bearing.

Family Accountability Communicating Teen Sexuality (FACTS)

An evaluation performed for the national Title XX abstinence program showed the effectiveness of the Family Accountability Communicating Teen Sexuality (FACTS) abstinence program in reducing teen sexual activity.

Researchers evaluated the FACTS program through a formal experimental design which randomly separated teenage students into two groups: an experimental group, which received abstinence education; and a control group, which did not.

The evaluation found that students who participated in the program were 30 to 50 percent less likely to commence sexual activity than those who did not participate.

Teen Aid and Sex Respect

A similar evaluation of the Teen Aid and Sex Respect abstinence programs in Utah showed both programs were effective among those high school and junior high school students who were at the greatest risk of initiating sexual activity.

Sex Respect was shown to reduce the rate of initiation of sex activity among the at-risk group by 25 percent when contrasted to a comparison control group of students who were not exposed to the program. Teen Aid was found to reduce the initiation of sex activity by some 17 percent.

FOR MORE INFORMATION...

The Mother of All Welfare Problems. Over 40 percent of long-term welfare recipients gave birth when they were 17 years old or younger. (Governing, January 1997.)

PFax: Call 312/377-3000 Request document **#2460101** (5pp.)

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Roadless Areas Paved with Politics

by Jefferson G. Edgens

In October, President Clinton circumvented Congress through executive rulemaking and proposed that 40 million acres of the National Forest system be designated de facto wilderness. His goal is to protect the roadless areas within the 192,000,000-acre National Forest system, which includes 140 National Forests in 37 states. Unfortunately, his plan smacks of political convenience rather than forest protection.

In simplistic terms, the President's plan bans all future road building. However, the agenda behind the plan is far from simplistic.

First, President Clinton is using executive directives to establish roadless areas without going through Congress. Congress is authorized to set the tone for resource management with such acts as the Multiple Use Sustained Yield Act, the Wilderness Act, and the National Forest Management Act. Nonetheless, the Forest Service is complying with the President's request and undertaking an environmental review on the proposed road ban.

> *Road construction is at its lowest level since the 1950s, and Forest Service supervisors themselves are quite capable of making road closure decisions.*

Wilderness designation is a congressional function, and it is the strictest category for preservation. For example, federal property so designated cannot be used for mining, grazing, logging, or oil drilling. Also, vehicles—including dirt bikes, mountain bikes, and other off-road recreational vehicles—are not allowed in designated wilderness areas.

The President's plan is also unnecessary. Road construction is at its lowest level since the 1950s, and Forest Service supervisors themselves are quite capable of making road closure decisions. Roadless area advocates correctly cite environmental damage that has resulted from past Forest Service road construction. But a U.S. General Accounting Office (GAO) report states that major soil erosion problems have occurred in our National Forests due to poor road construction and maintenance. While Clinton decrees the end of road construction, he fails to acknowledge and correct the inadequate road maintenance.

> *If we want wilderness, Congress—not an all-powerful executive—is the proper branch of government to make that determination.*

Finally, the President's proposal is purely political. If roadless area protection is the goal, then why isn't Alaska's Tongass National Forest included? Simply because the President doesn't want to lock horns with the Alaskan delegation.

Warns Senator Don Nickles of Oklahoma, "If [Clinton] designates millions of acres of land equivalent to the size of several states, he should propose it through legislation. Otherwise his plan will end up challenged in the court system."

The Example of Georgia

Let's consider the effects of the President's proposal on Georgia's wilderness areas.

Georgia's roadless areas, according to the Southern Appalachian Assessment Roadless Inventory, consist of 61,557 acres—about 8 percent of the Chattahoochee National Forest. U.S. Forest Service figures report 10 designated wilderness areas in Georgia equal to 114,616 acres, about 15 percent of the Chattahoochee National Forest. The Chattahoochee also contains the largest congressionally designated wilderness in the Southeast—the Cohuttam, at 35,268 acres.

Roadless inventories supposedly include land of 5,000 acres or more; yet President Clinton's proposal includes land of just 1,000 acres or more contiguous to Georgia's Wild and Scenic Rivers and to its congressionally designated wilderness areas. The total percent of the Chattahoochee's acreage designated roadless will surely rise above 8 percent.

All told, adding the Clinton proposal to existing roadless areas could result in wilderness areas exceeding 18 percent. That means far more land to manage for fire and disease suppression. Without roads, forest management efforts will be badly hampered, as mechanical removal of dead wood is necessary, in many instances, to minimize fire damage.

Profligate spending on road construction for timber purposes should not be supported. But the demand for *no* roads ignores the many beneficial effects of having *sufficient* roads to allow for recreation, the practice of sound forestry, and logging where it is economically justified.

But environmentalists and others who want certain areas off-limits to timber harvest and other resource uses should take the issue through Congress. If we want wilderness, Congress—not an all-powerful executive—is the proper branch of government to make that determination.

The U.S. fought a revolution over one person having too much authority over the lives of a nation's citizens, and our founding fathers created a constitutional form of government with duly elected representatives to represent our concerns in policymaking. Given the President's track record, we are left with no choice but to question his true motives.

Jefferson G. Edgens Ph.D. is a natural resource policy analyst at the University of Kentucky. He is also an adjunct scholar with the Georgia Public Policy Foundation and a contributor to Environment & Climate News, a publication of The Heartland Institute. Used with permission from the Georgia Public Policy Foundation.

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The Illinois Tollway: An Opportunity for Reform

by Peter Samuel

On December 5, 1999, The Heartland Institute released Heartland Policy Study #94, "The Illinois Tollway: An Opportunity for Reform," by Peter Samuel. The 17-page report is available from The Heartland Institute for $10. It is also available on the World Wide Web at www.heartland.org

Illinois Governor George Ryan told journalists on September 8, 1999, that he regarded tolls as a "nuisance" and wanted to greatly reduce, if not eliminate, the toll system in Illinois.

In his announcement the Governor said that motorists who depend on the tollway system daily to move around the Chicago area "have grown increasingly frustrated" with it. "It is time for changes and those changes begin today," said Ryan in an October 5 news release.

A Profile of the Illinois Tollway

In Northern Illinois, the tollways represent about one-third of the motorway/expressway standard lane-mileage. The Illinois State Toll Highway Authority (ISTHA) operates four major toll roads totaling over 1,200 lane-miles with a centerline of 273 miles, two-thirds of which was built in 27 months of construction between 1956 and 1958.

The tollways provide major north-south movement around Cook County, the inner part of the greater Chicago metropolis—America's third-largest in population (roughly 9 million). The tollways are also main routes west and northwest.

The ISTHA is America's largest toll authority in the number of daily tolls taken—some 2 million. The Garden State Parkway in New Jersey is the next largest by number of tolls, with just over 1.5 million/day.

ISTHA is expected to collect $370 million in tolls this year, equivalent to one-third of the amount raised by Illinois state gasoline and diesel taxes ($1,100 million). The current 19 cents/gallon gas tax would have to be increased by 6.4 cents if tolls were to be abolished and no other changes were made. But the Governor says he doesn't want to raise gas taxes.

The state toll authority has about $890 million of bonds outstanding, almost half of them 1992 bonds due in 2017. But that debt pales into insignificance beside the bonds that the Toll Authority has been planning to issue over the next ten years: $8 billion worth, split about equally between reconstruction and new roads.

Engineering consultants have concluded it would be most economical to completely rebuild the two-thirds of the Illinois tollway system constructed in 1956-58. This is proposed to be "from the dirt up" because it is no longer cost-effective to continue overlays and sealing of 40-year-old pavement. Many bridges, too, need major work, and with this level of reconstruction it is normal to bring interchanges up to modern standards, and sometimes to add travel lanes.

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The Case for Higher Tolls

The last systemwide toll increases on Illinois tollways were in September 1983, when tolls at the mainline plazas went from the 1958 rate of 30 cents to 40 cents. Most tolls average about 3.5 cents/mile; they probably need to be raised to about 5 cents/mile to fully recover current operating and maintenance costs. To support a fully modernized system, something like $1.00 is probably needed in place of the present 40-cent toll, so the average 13-mile trip would cost 7.5 cents/mile.

Important to the debate over whether to raise or abolish tolls is the ongoing transition to collecting tolls by using electronic toll (ET) collecting systems.

The Toll Authority has spent some $50 million on ET conversion. It has completed ET retrofitting on all 525 toll lanes in its 20 mainline plazas and 46 ramp plazas. At all its mainline plazas, the Authority has dedicated ET lanes operating at 1,800 vehicles per hour, with a posted speed of 30 mph. Two plazas are operating with full highway-speed ET, and another three are under construction.

Some 240,000 ET tags are in use in Illinois with an average 800 added each day. All this is happening without an active campaign to market toll tags, nor are tag users given a break in the toll rate they pay.

ET users enjoy big time savings, but the improvements have not noticeably reduced delays for cash payers. Moreover, in some places improved toll plaza throughput has been offset by downstream delays unrelated to the tolls. At times whole stretches of tollway are simply overloaded.

The Value of Tolls

A road is never fully paid for: It continues to cost money to be maintained and its entire physical structure of bridges and pavement needs to be completely rebuilt every few decades. Tolls provide a revenue stream to pay for the roads—to operate and maintain them, and also to rebuild and expand them if needed to accommodate motorists' needs.

Properly set, tolls place the financial burden most fairly on those who use the roads, and they charge according to use. They are inherently fairer than taxes to pay for roads, since taxes are levied regardless of the use of a particular road and bear little relationship to the value motorists gain from the road, or the costs motorists impose on others by using a road.

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Tolls can also help determine how much extra road is justified. Just as a commons is over-grazed, so an unpriced road will tend to attract traffic beyond that which would pay the costs of the facility.

Large parts of the Illinois tollway are already used to capacity, so the abolition of tolls would worsen congestion for all by increasing traffic. A more constructive course would be to recognize that increased capacity on the tollway system is probably needed, and to see how tolls can be used to fund and guide that process.

The most important contribution tolls can make will be to allow highway improvements to be made without an increased tax burden. Says urban planning consultant John L. Gann, "If tolls are seen as the mechanism that makes it possible for Illinois to increase roadway capacity, the public will support them."

Brett Baden of Chicago's RCF Economic & Financial Consulting argues that financing roads entirely out of taxes or license fees is extremely poor pricing: "The fee you paid in July is unlikely to affect your driving behavior in December." Similarly, gasoline taxes paid bear little relationship to costs imposed via axle weight damage to pavement or to the space the vehicle takes up in a crowded roadway. By contrast, tolls can be tailored to more nearly reflect these factors.

So long as tolls are paid predominantly in cash, via coin machines or collectors at the toll booth, then toll rates must be kept constant to avoid more confusion at the plazas. But once tolling is accomplished mainly by electronic transponder and monthly utility-type billing, and the toll plazas are downsized or abolished, flexible toll rates will become technically quite feasible.

Reform Proposals

The reforms recommended below fall into four categories: electronic toll collection, time-of-day tolling, rebating gasoline taxes, and privatization. These suggestions, described only in the briefest of terms here, are based on a growing body of data from real-world applications of new technologies and new ownership arrangements. Most are being acted on by some of the largest municipal governments in the world.

Large parts of the Illinois tollway are already used to capacity, so the abolition of tolls would worsen congestion for all by increasing traffic.

1. Move to electronic toll collection.

E-tolling can reduce the Toll Authority's capital costs, by avoiding the need to add lanes at toll booths, and also reduce the operating costs of toll collection.

The Toll Authority should put forward a detailed program for accelerating installation of highway-speed electronic tolling throughout the tollway system so it becomes available for all trips within, say, four years. The Authority should offer a significant toll discount, say 45 percent, for those who lease e-tags. The Authority should also increase the marketing effort behind I-PASS.

A more sweeping option would be a commitment to end all cash toll collection by a date certain and rely entirely on electronic toll collection. This scenario would prove cost-effective if inexpensive, lower-tech transponders were distributed for free, and if a system were implemented to photograph license plates and bill by mail those without e-tags. This would allow the complete abolition of on-road tolling, with major capital and operational cost savings and dramatically reduced congestion.

2. Use time-of-day tolling.

Electronic tolling makes possible variable-rate pricing. Toll rates can be made to vary by time of day, thereby encouraging people to use the roadways during periods of relatively low use, and to find alternative routes or reschedule trips during periods of high use. Nationwide, 60 percent or more of people using highways during rush hours are making trips for purposes other than commuting to work.

Electronic highway signs and radio stations devoted to traffic conditions can tell drivers the current fare and explain their options. Such a system would guarantee free-flowing traffic (except in cases of a major accident) in return for tolls that reflect the true cost of a driver's choice to use a highway at a particular time of day.

3. End double-taxation for highway users.

A legitimate criticism of tolls is that they constitute a form of "double taxation" on tollway users.

Illinois' state gasoline tax is 19 cents/gallon. The average private automobile gets about 19 miles per gallon. So the effective state gas tax on vehicles traveling the tollways is roughly 1 cent/mile. "Double-taxation" could be ended by rebating against monthly tollway bills an amount equivalent to that tax, with correspondingly larger rebates for classes of vehicles that consume more fuel and thus are higher-taxed. An application for the rebate could easily be incorporated into the state's income tax forms. Only people with e-tags could apply for the rebates, creating another incentive for people to shift to electronic tolling.

4. Privatize the tollways.

There is little reason to believe government ownership and management of the tollways is necessary, and growing empirical evidence suggests that moving to private management and/or ownership is a superior arrangement.

Such a transition, called privatization, can tap the expertise and other resources of private firms while at the same time avoiding the bureaucracy and perverse incentive structures that characterize the government sector.

In Virginia, the Dulles Greenway is a totally investor-built and -operated toll road. So are the 91-Express Lanes in the Los Angeles area. Smaller investor-built toll facilities have been built in Alabama and are under construction in Utah, Florida, and Texas, and others are being designed in Florida and California.

Tollways in Orlando, southern California, and Colorado are still formally state or local government entities, but the overwhelming bulk of their operations is contracted out.

Conclusion

Getting rid of tolls, by itself, would make conditions for motorists worse, not better. Motorists would further overload the tollways during rush hours while depriving the roads of a revenue stream needed for their upkeep and improvement. Those motorists understand that this is a big and important roadway system, and expensive too. No one else in some other part of the state or the country is going to foot the bill for the serious reconstruction that is needed or for ongoing costs. There will never be free roads; there is no such thing as a free lunch.

There is everything to gain and little to lose by calling for competitive proposals from investors and from the existing Toll Authority staff on how they would operate and improve these facilities for the public, and on what terms. With a set of real proposals on the table, open to full public scrutiny, there will be a chance for a more businesslike tollway system to evolve, to the benefit of everyone who uses (or relies on others who use) the region's highways.

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Gun Locks: Bound to Misfire

John R. Lott Jr.

Recently, the Colorado Legislature defeated two bills to mandate the "safe storage" of guns. The legislature's decision generated loud protests from gun control activists. After all, who could be for "unsafe" storage?

Unfortunately, despite the obvious feel-good appeal of these rules, gun locks and safe storage laws are more likely to cost lives than to save them. While accidental gun deaths have claimed the lives of children, this happens much less often than most people might think.

Incidents Are Rare

Consider as an example how many accidental gun deaths occur in the state of Colorado. During the five years from 1992 to 1996, there were two accidental gun deaths involving a child under age 10—an average of 0.4 deaths per year, or less than 1 percent of all accidental deaths for this age group. With at least 1.4 million adult Coloradans owning at least one gun in 1996, the overwhelming majority of gun owners must be extremely careful, or such gun accidents would be much more frequent.

According to national studies, those who fire a gun accidentally are not your average person. Shooters overwhelmingly have problems with alcoholism and long criminal histories, particularly arrests for violent acts. They're also disproportionately involved in automobile crashes and much more likely to have had their driver's license suspended or revoked. The law-abiding citizens who tend to obey these laws are not the ones who are high-risk.

It is the poorest people in the most crime-prone areas who benefit most from gun ownership. "Safety" rules that raise the costs of gun purchases would reduce gun ownership and hit these people the hardest.

In addition, gun locks are costly. The actual expense of installing a lock is not the only "cost." Possibly even more important is the increased time it takes to get the gun ready to resist a violent criminal. Locked guns may not be as readily accessible for defensive uses. If criminals are deterred from attacking victims because they fear people might defend themselves, gun locks may therefore increase crime. Exacerbating this problem, many mechanical locks (such as barrel or trigger locks) also require that the gun be stored unloaded. Loading a gun obviously requires yet more time to respond to a criminal.

The Deterrent Effect

Guns clearly deter criminals. Americans use guns defensively over 2 million times every year—five times more frequently than the 430,000 times guns were used to commit crimes in 1997, according to research by Florida State University criminologist Gary Kleck. Kleck's study of defensive gun uses found that 98 percent of the time, simply brandishing the weapon is sufficient to stop an attack.

Even though the police are extremely important for reducing crime, they simply can't be in all places at all times. They almost always end up at the crime scene after the crime has been committed. According to U.S. Department of Justice data, having a gun is by far the safest course of action when one is attacked by a criminal.

In a recent book examining gun ownership rates across states over time, I found that higher gun ownership rates are associated with dramatically lower crime rates. Further, it is the poorest people in the most crime-prone areas who benefit most from gun ownership. "Safety" rules that raise the costs of gun purchases would reduce gun ownership and hit these people the hardest.

Even if one has young children, it does not make sense to lock up a gun if one lives in a high-crime urban area.

Laws (and media exaggerations of the risks involved in gun ownership) that make people lock up their guns, or cause them not to own a gun in the first place, will result in more, not fewer, deaths.

Recent research that I have done, examining juvenile accidental gun deaths or suicides for all the states in the United States from 1977 to 1996, found that safe storage laws had no impact on either type of death. However, what did happen was that law-abiding citizens were less able to defend themselves against crime.

The 15 states with such laws during this period recorded 300 additional murders and 3,860 additional rapes per year than they otherwise would have because of the law. Burglaries and robberies also increased dramatically.

"Safe storage" proposals often compound these problems by making parents criminally liable for their children improperly using guns. Yet, if that notion of parental liability makes so much sense, why apply it only to one type of crime committed by children? Why not use it to stop the threats of other products that pose even bigger dangers to our children's lives?

Laws frequently have unintended consequences. Sometimes even the best-intentioned ones can cost lives.

John Lott is a senior research scholar at the Yale University Law School and the author of More Guns, Less Crime: Understanding Crime and Gun Control Laws (University of Chicago Press, 1998). Reprinted by permission from the Independence Institute.

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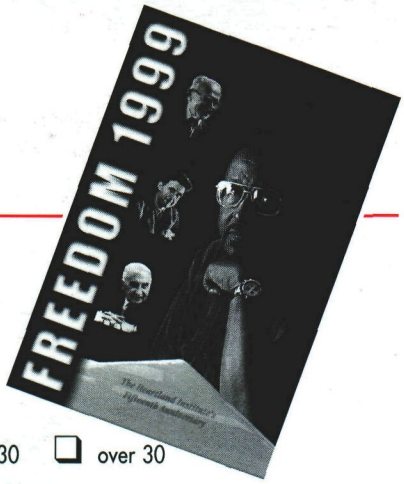

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